

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

Dean John, Ryan Balfanz, Benjamin Jais,
Rosemary Arias, Aimee Albrecht, on
behalf of themselves and all others
similarly situated

Plaintiff

Case Number

vs.

1:20-cv-03481

Clearview AI, Inc.

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

Mario Calderon and Jennifer Rocio,
individually and on behalf of all others
similarly situated

Plaintiff

Case Number

vs.

1:20-cv-01296-CM

Clearview AI, Inc., and CDW Government
LLC

Defendant

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

Action filed on 2/13/20, and served.

On 4/15/20, Judge McMahon issued a directive regarding; 1) is NY court the place where an Illinois statute gets interpreted, and where alleged violations of Illinois law are litigated; and 2) declining to take any action on "lead plaintiffs counsel" motion filed in the Calderon case until she has entertained any motions addressed to the complaints that may be filed by defendants. Judge McMahon ordered that the cases be consolidated.

On 4/22/20, Judge McMahon ordered plaintiffsto respond to Motion to Intervene and to Dismiss or, Alternatively, to Stay Cases or Transfer Venue.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The actions arise from the same set of facts and circumstances (violations of the Illinois Biometric Information Privacy Act ("BIPA") by Defendant Clearview AI, Inc ("Clearview"). Each action asserts claims against Clearview.

The requirements of Local Rule 13 would be satisfied by a finding of relatedness here: 1) the actions concern the same or substantially similar parties, transactions and events; 2) there is a substantial factual overlap; 3) the parties could be subjected to conflicting orders; 4) absent a determination of relatedness, there would be substantial duplication of effort and expense, delay, and undue burden on the Court, parties, and witnesses.

Signature: /s/ Scott Martin

Date: 5/5/2020

Firm: Hausfeld LLP